

REMARKS

The present application includes claims 1-3, 6-9, and 11-27. Claims 1, 2, and 25-27 were rejected. Claims 3 and 6-9 were objected to. Claims 11-24 were allowed. By this Amendment, claims 28-32 have been added.

Claims 1, 2, and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephen et al. (U.S. Patent No. 6,880,787) in view of Collins et al. (U.S. Patent No. 6,613,053).

Claims 3 and 6-9 were objected to as being dependent upon a rejected base claim.

Claims 11-24 were allowed.

New claim 28 was added, and includes all of the limitations of claim 3.

New claim 29 was added, and includes all of the limitations of claim 6.

New claims 30-32 were added, and include all of the limitations of claims 7-9, respectively, and depend, either directly or indirectly, from independent claim 29.

The Applicants now turn to the rejection of claims 1, 2, and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Stephen in view of Collins.

Stephen relates to mounts and fasteners for bundling and tying elongate objects such as electrical wires, tubes, and hoses, and for securing such objects to a support. See COL. 1, LL. 8-12. Collins, on the other hand, relates to a surgical implant, and more particularly, a cervical plate assembly for stabilizing the cervical spine. See COL. 1, LL. 3-5.

The Applicants note that the previous rejection of claims 1, 2, and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Zahn et al. (U.S. Patent No. 4,534,471) in view of Collins has been overcome.

With regard to Stephen, the Examiner stated, "Stephen discloses all of the limitations of the claimed invention except for the rib and the groove allowing snap fit connection of inner and outer members." Therefore, by the Examiner's own admission, substituting Stephen for Zahn does not provide a sufficient basis for the new ground of rejection.

With regard to Collins, the Examiner stated, "Collins discloses that it is known to have an inner and outer member connected by snap-fit connection using a rib (24) and a groove (16) allowing rotation of the outer member to rotate about the inner member." However, substituting annular groove (16) and outwardly projecting ribs (24) for annular groove (30) and annular rib (31), respectively, is not a sufficient basis for a new ground of rejection. When assembled, cervical plate (10) and fastening device (13), including outer screw (14) and inner plug (15), are fixed, and do not rotate. In fact, Collins teaches away from such rotation. Specifically, Collins provides that the prior art fastening devices suffer from "loosening and screw pull out leading to failure." See COL. 1, LL. 17-22. To overcome the shortcomings of prior art fastening devices, Collins provides:

In order to fix the cervical plate assembly to the cervical spine, the outer screws 14 are screwed into bone through the apertures 11 by a known tubular screw driver until the head 18 of the screw 14 abuts the ledge 17 in the aperture and the ribs 24 snap fitably engage in the groove 16. The plug 15 is then inserted and screwed into place by a hexagonal screw driver inserted through the tubular screw driver, the latter acting as a guide and preventing the screw 14 from turning during insertion of the plug 15. When the plug 15 is fully in place, the head 15a of the plug is a close fit in the portion 20a of the bore 20 in the screw and this prevents contraction of the head 18 of the screw thereby preventing the ribs 24 disengaging from the groove 16. Also, the expansion element 15c expands the tip of the screw 13 to improve the overall fixation and prevent pull out of the fastening devices.

See COL. 2, LL. 47-61; see also FIGS. 1-3 (emphasis added). Consequently, neither Collins alone nor a combination of Stephen and Collins teaches or suggests “an inner member snap-fitted within the outer member ... wherein the outer member rotates about the inner member after the inner member is snap-fitted within the outer member,” as recited in claim 1 (emphasis added). Therefore, the Applicants respectfully submit that the rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Stephen in view of Collins has been overcome, and that claim 1 is in condition for allowance.

Claims 2 and 25-27 depend from independent claim 1. As described above, claim 1 is in condition for allowance. Therefore, the Applicants respectfully submit that the rejection of claims 2 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Stephen in view of Collins has been overcome, and that claims 2 and 25-27 are in condition for allowance.

Accordingly, for the reasons stated above, the Applicants respectfully submit that the rejection of claims 1, 2, and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Stephen in view of Collins has been overcome, and that claims 1, 2, and 25-27 are in condition for allowance.

The Applicants now turn to the objection to claims 3 and 6-9 as being dependent upon a rejected base claim. Claims 3 and 6-9 depend from claim 1. As described above, claim 1 is in condition for allowance. Therefore, the Applicants respectfully submit that the objection to claims 3 and 6-9 as being dependent upon a rejected base claim has been overcome, and that claims 3 and 6-9 are in condition for allowance.

The Applicants would like to thank the Examiner for allowing claims 11-24.

The Applicants now turn to new claims 28-32. New claim 28 has been added, and includes the limitations of claim 3. New claim 29 has been added, and includes all of the limitations of claim 6. New claims 30-32 have been added, and include all of the limitations of claims 7-9, respectively, and depend, either directly or indirectly, from claim 29. In the Office Action mailed on May 29, 2009, the Examiner stated that claims 3 and 6-9 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Therefore, the Applicants respectfully submit that new claims 28-32 are in condition for allowance.

Accordingly, for the reasons stated above, the Applicants respectfully submit that claims 1-3, 6-9, and 11-33 are in condition for allowance.

CONCLUSION

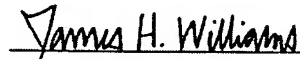
The Applicants respectfully submit that the claims of the present application are in condition for allowance.

If the Examiner has any questions or the Applicants may be of any assistance, the Examiner is invited and encouraged to contact the Attorney for Applicants at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account No. 16-0228.

Respectfully submitted,

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